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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Libby
MT
SF
Box 3

THE ADMINISTRATOR

**Determination and Findings of Public Health Emergency
For the Libby Asbestos Site
In Lincoln County, Montana**

For the reasons summarized below, I have determined that conditions at the Libby Asbestos Site presented by the release and threatened release of amphibole asbestos constitute a public health emergency under Section 104(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). I further find that no other person with the authority and capability to respond to the conditions at the Libby Asbestos Site will do so in a timely manner. For purposes of this Determination, the Libby Asbestos Site includes the towns of Libby and Troy in Lincoln County, Montana.

What Constitutes the Public Health Emergency at the Libby Asbestos Site

Asbestos is a hazardous substance. Amphibole asbestos has been released throughout the Libby Asbestos Site over many decades as a result of the operation of a vermiculite mine and associated facilities. The Libby Asbestos Site is unique with respect to the multiplicity of exposure routes, the cumulative exposures experienced by community members, and the adverse health effects from asbestos exposure already present and documented in the residents.

Investigations performed by the Agency for Toxic Substances and Disease Registry (ATSDR) have found hundreds of cases of asbestos-related disease in this relatively small community. ATSDR documented a disease and death rate from asbestosis in the Libby area significantly higher than the national average for the period from 1979-1998. The occurrences of disease are not limited to vermiculite-facility workers or their families, but are spread throughout the population. Medical care in Libby has historically been limited due to Libby's isolated location and economic situation, thus reducing the chance of early detection and treatment of asbestos-related disease.

EPA's Actions at the Libby Asbestos Site

EPA's cleanup efforts have greatly reduced exposure, but there still exists a continued significant threat to public health from actual and potential releases at the Site. Ongoing exposure is expected to increase both the severity and incidence of observed health effects. Even in the absence of additional exposure, however, pulmonary and

pleural health effects from this asbestos exposure can be expected to progress. Therefore, the incidence of observed health effects, as well as the severity of those health effects, may increase in the future.

Asbestos Releases at the Site

Residents of the Libby community have been exposed to asbestos from various sources, including asbestos in vermiculite, vermiculite processing wastes, uncontained vermiculite insulation, and soil containing vermiculite. The vermiculite mine wastes, as well as off-specification intermediate asbestos-containing material, were made available to the community and were widely distributed throughout southern Lincoln County, an area that encompasses the towns of Libby and Troy. The community used this asbestos-containing material as a soil amendment in residential yards and as fill for their driveways, gardens, and public areas, including recreational fields. Children in the community had access to and played on waste vermiculite piles. Many of the homeowners insulated their homes with asbestos-containing vermiculite insulation. These exposures are in addition to the significant exposures that occurred historically through association with vermiculite mine workers or as a result of working at the mine.

Soil in the Libby community was additionally contaminated by the atmospheric deposition of asbestos released from the vermiculite processing facilities in Libby, which were in close proximity to the homes in Libby. Soil also may have been contaminated by atmospheric redistribution of asbestos from the community's transportation and uses of the vermiculite mine wastes. Atmospheric deposition also would have contributed asbestos to indoor dust in residences and commercial buildings. Asbestos released to air was likely concentrated by Libby's unique topographical and meteorological situation. Libby is in a narrow valley surrounded by mountains that are 4,000 feet higher than the town, which in winter leads to persistent temperature inversions that have the effect of concentrating atmospheric contaminants, including asbestos, in the valley.

The major source of health risk is from the inhalation route of exposure. Historical, current and potential future environmental inhalation exposure pathways include the following:

1. Air in attic spaces and crawl spaces (resident, tradesperson)
2. Indoor air near breached walls (resident, tradesperson)
3. Indoor air where fibers are present in indoor dust (resident, tradesperson, commercial worker, student, teacher)
4. Outdoor air near highways and rail lines where asbestos material spillage occurred (tradesperson, resident)
5. Outdoor air near disturbed soil (resident, tradesperson, student, teacher, recreational visitor)
6. Outdoor ambient air (resident, commercial worker, tradesperson, student, teacher, recreational visitor)

Historical inhalation pathways included the following:


1. Vermiculite waste piles (children, resident, recreational visitor)
2. Association with vermiculite mine workers
3. Occupational exposure through employment at the mine.

Statutory Basis

I make this determination pursuant to Section 104(a)(4) of CERCLA, which provides the President with broad authority to respond to a release or threat of any release of any hazardous substance, if "...in the President's discretion, it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner."

The President's authority under CERCLA Section 104(a)(4) is delegated to the Administrator of the Environmental Protection Agency in Section 2(g) of Executive Order 12580, 52 Fed. Reg. 2923 (Jan 29, 1987).

June 17, 2009
Dated: _____



Lisa P. Jackson,
Administrator.

CONCURRENCE SHEET - Cover Memorandum - Finding of Public Health Emergency
for the Libby Asbestos Site in Lincoln County, Montana, June 2009

Victor Ketellapper, EPR		
Wendy O'Brien, EPR	WAO	6/15/09
Helen Dawson, EPR		
Russ Leclerc, EPR	Runner	6/15/09
Bill Murray, EPR	cm	6/15/09
Andy Lensink, ENF-L	ALC	6/15/09
Mike Risner, Director - LEP	MC	6/15/09
Eddie Sierra, Acting ARA - ECEJ	Sierra	06/15/2009
Mike Boydston, ORC	MB	6/15/09
Peter Ornstein, ORC	PO	6/16/09
Bob Ward, Regional Counsel	WR	6/16/09
Carol Campbell, ARA - EPR	CC	6/15/09

CONCURRENCE SHEET - Certification of Index of Documents Comprising the Administrative Record for the Finding of a Public Health Emergency at the Libby Asbestos Superfund Site, June 2009

Victor Ketellapper, EPR	VK	6-12-09
Wendy O'Brien, EPR	WOB	6/15/09
Helen Dawson, EPR	HD	6-12-09
Russ Leclerc, EPR	RL	6/15/09
Bill Murray, EPR	CM	6/15/09
Andy Lensink, ENF-L	ALZ	6/15/09
Mike Risner, Director - LEP	MC	6/15/09
Eddie Sierra, Acting ARA - ECEJ	Sierra	06/15/2009
Mike Boydston, ORC	MB	6/15/09
Peter Ornstein, ORC	PO	6/16/09
Bob Ward, Regional Counsel	BRW	6/16/09
Carol Campbell, ARA - EPR	CC	6/15/09



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8RA

**RECOMMENDATION CONCERNING DETERMINATION AND FINDINGS OF
PUBLIC HEALTH EMERGENCY**

SUBJECT: Public Health Emergency at the Libby Asbestos Site - Libby, Lincoln County,
Montana

FROM: *for* Carol Rushin
Acting Regional Administrator

Mathy V. Stanislaus
Assistant Administrator
Office of Solid Waste and Emergency Response

TO: Lisa Jackson
Administrator

Re: Site ID#: BC

Professional staff have reviewed the Administrative Record compiled for the Determination and Findings of Public Health Emergency at the Libby Asbestos National Priorities List Site and have informed us that the Administrative Record supports the determination and findings. Therefore, based on the Administrative Record and on the advice and recommendations we have received, we recommend that you determine that a Public Health Emergency exists under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, at the Libby Asbestos National Priorities List Site.



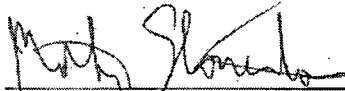
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**CERTIFICATION OF INDEX OF DOCUMENTS
IN THE ADMINISTRATIVE RECORD
FOR THE DETERMINATION AND FINDINGS
OF PUBLIC HEALTH EMERGENCY FOR
THE LIBBY ASBESTOS SITE IN LINCOLN COUNTY, MONTANA**

This certification identifies documents considered or relied on for the Determination and Findings of Public Health Emergency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, for the Libby Asbestos Site in Montana, Site/Spill ID # 08-BC. The documents are in the Administrative Record for the Site. The attached index lists the documents considered or relied on for the Public Health Emergency Determination and Findings.

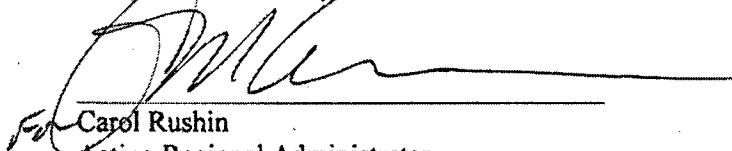
By the United States Environmental Protection Agency:

In witness whereof, I have subscribed my name this 16 day of June, 2009 in Washington, D.C.



Mathy V. Stanislaus
Assistant Administrator
Office of Solid Waste and Emergency Response

In witness whereof, I have subscribed my name this 16th day of June, 2009 in Denver, Colorado.



Carol Rushin
Acting Regional Administrator
EPA Region 8

**INDEX OF DOCUMENTS IN THE ADMINISTRATIVE RECORD
FOR THE DETERMINATION AND FINDINGS
OF PUBLIC HEALTH EMERGENCY
AT THE LIBBY ASBESTOS SITE**

Agency for Toxic Substances and Disease Registry (2003) Public Health Assessment, Libby Asbestos NPL Site. OU4: Screening Plant, Export Plant, Town of Libby, and Affected Libby Valley Residential and Commercial Properties, Lincoln County, Montana. EPA Facility ID: MT0009083840, U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Division of Health Assessment and Consultation Superfund Site Assessment Branch.

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